

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEVE HESSE and ADAM BUXBAUM, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

GODIVA CHOCOLATIER, INC., and DOES 1
through 50,

Defendants.

No. 1:19-cv-00972-AJN

DECLARATION OF ADAM BUXBAUM

I, Adam Buxbaum, declare as follows:

1. I am one of the named Plaintiffs in the above-captioned case. I have personal knowledge of the facts in this declaration and could and would readily and competently testify under oath if called as a witness.

2. I understand that this declaration will be used in support of Plaintiffs' Motion for Final Approval and Motion for Attorneys' Fees and Costs and Class Representative Service Awards.

3. I understand that, under the settlement, class members residing in the same household will be eligible to recover up to a maximum of \$25 per household if they submit proof of purchase and up to \$15 per household without submitting any proof of purchase. I believe that this represents an excellent recovery for the class and I fully support the settlement as fair, reasonable, and adequate. I believe that I played an integral role in obtaining these benefits for the class.

4. I am also aware that the settlement provides for a class representative service award of up to \$5,000 to myself and the other named Plaintiff. I know that the requested service award is not conditioned on approval of the settlement. In other words, I understand that this settlement could be approved but that I would be awarded a sum less than \$5,000, or even no award at all. Regardless of the Court's decision with respect to the service award, I support the settlement because I believe it is in the best interest of the class.

5. That said, I believe the \$5,000 is reasonable based on the time and efforts that I have expended in this matter. Throughout the entire course of this case, which has been pending for over three years, I have been in constant communication with my attorneys and have actively taken steps to litigate this case on behalf of the class. For example, I have had numerous

communications with my attorneys, reviewed multiple pleadings such as the complaints, reviewed and responded to written discovery (including supplemental responses), did an extensive search for and produced documents, and reviewed and approved the settlement agreement. I was also actively involved in major strategic decisions in this case, including the decision to settle this matter. All of the actions that I took were made in the best interests of the class.

6. I estimate that I have devoted approximately 30 hours of my time to this case.

7. I was prepared to testify at trial if necessary.

8. In making the decision to bring this case, I understood that my name would be a part of the public record in connection with this lawsuit. I did not necessarily want my name to be in the public domain in this context. I was also aware of the possibility that I could be liable for Godiva's costs if Plaintiffs were to lose this action. Despite these risks, I decided to proceed as a plaintiff because I wanted to stand up for the rights of other consumers, in addition to my own.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
2/12/2022 | 3:18 AM EST in Santa Rosa, California.

DocuSigned by:

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Adam Buxbaum